

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KATHLEEN SMITH,
Plaintiff,

v.

KEURIG GREEN MOUNTAIN, INC.,
Defendant.

Case No. [18-cv-06690-HSG](#)

**ORDER DENYING MOTION TO STAY
DISCOVERY PENDING RESOLUTION
OF MOTION TO DISMISS**

Re: Dkt. No. 25

Pending before the Court is Defendant Keurig Green Mountain, Inc.'s Motion to Stay Discovery Pending Resolution of Motion to Dismiss. Dkt. No. 25 ("Mot"). Plaintiff Kathleen Smith opposed the pending motion on February 7, 2019. Dkt. No. 34.¹

District courts have "wide discretion" to control discovery. *Little v. City of Seattle*, 863 F.2d 681, 685 (9th Cir. 1988). In evaluating the propriety of a request to stay discovery, the Court is mindful that the party seeking a discovery stay carries the "heavy burden" to make an adequate showing for why discovery should be denied. *Blankenship v. Hearst Corp.*, 519 F.2d 418, 429 (9th Cir. 1975). In moving to stay discovery pending the Court's ruling on its motion to dismiss, Defendant argues that its dismissal motion makes "meritorious arguments that potentially would dispose of the entire case, obviating the need for any discovery." Mot. at 4.

After carefully considering Defendant's arguments in support of a stay, the Court finds Defendant has not met its burden of making a showing why discovery should be denied and thus finds it is not appropriate to stay discovery. To the extent Defendant asks this Court to take a


¹ The Court also discussed this motion with the parties at the February 5, 2019 case management conference ("CMC"). See Dkt. No. 33 (transcript of proceeding). After reviewing the papers submitted to the Court to date, and in light of the discussion at the CMC, the Court finds this motion appropriate to take under submission. See Civ. L.R. 7-1(b).

1 “preliminary peek” at its dismissal motion’s arguments in ruling on its stay request, the Court has
2 done so and nevertheless finds that a stay is not warranted.

3 For these reasons and others discussed on the record at the CMC, the Court **DENIES**
4 Defendant’s motion.

5 **IT IS SO ORDERED.**

6 Dated: 2/8/2019

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8 HAYWOOD S. GILLIAM, JR.
9 United States District Judge
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